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*Governor's Small Business Regulatory Review Board*

September 8, 2008

Secretary Karen Timberlake  
Department of Health Services  
1 West Wilson Street  
Madison, WI 53703

Re: Proposed HS 159 Administrative Rule  
CR 08-036, Asbestos Certification and Training Accreditation

Dear Secretary Timberlake:

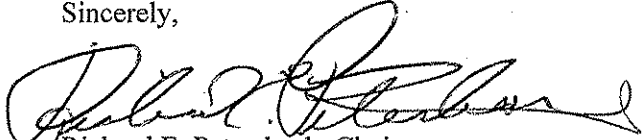
Wisconsin 2004 Act 145 created the Small Business Regulatory Review Board (SBRRB) to serve as a voice for small businesses as defined in Wis. Stats. 227.114(1). The SBRRB's statutory authority for review of proposed rules is contained in Wis. Stats. 227.14(2g) and provides that an agency shall submit the proposed rule and the small business impact analysis to the SBRRB when the agency determines that the impact of that rule has a significant impact on small business. Although proposed HS 159 was not submitted to the SBRRB as having a significant impact on a substantial number of small businesses, the SBRRB did receive testimony from small businesses about the economic impact of HS 159 at its August 27, 2008 meeting. As Chairman of the Small Business Regulatory Review Board, I am submitting the outcome of the SBRRB's review at that meeting.

The SBRRB received testimony and supporting documentation about the economic impacts of the rule on training providers. Their costs are associated with additional trainer responsibilities and compliance requirements. The department acknowledged their sensitivity and willingness to alleviate the economic burden by modify the final rule sent to the legislature. The consensus of the members of SBRRB was to have the department appear at an upcoming October meeting and address how the final regulatory flexibility analysis would take into consideration the testimony that had been presented to the SBRRB. The SBRRB's need to further consider the agency's efforts to minimize economic impact on trainer providers was provided to the department staff attending the SBRRB meeting and reflected in the tape recording of the meeting.

On August 29, 2008 the SBRRB received a transmittal from the department addressing the regulatory impacts in their final regulatory analysis which was submitted to the legislature as part of the final rulemaking. The SBRRB understands the departments' need to promulgate final rules as expeditiously as possible, however, Wis. Stats., 227.14(2g) provides that the SBRRB is allowed to comment on administrative rulemaking compliance. Despite the department's August 29<sup>th</sup> submittal of the final draft of the rule to the legislature, the department will still need to comply with Wis. Stats., 227.19(3) 6 (h), in submitting a response to any report prepared by the SBRRB under 227.14(2g). The Board's comments to the agency and the legislature regarding HS 159 will be forthcoming following the October meeting.

The Department of Commerce Small Business Ombudsman will schedule the October meeting and will be requesting attendance of department staff and interested training providers. Through continued dialogue, the SBRRB hopes to report to the legislature that the department considered all reasonable alternatives to minimize the economic impact on small businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Petershack", written in a cursive style.

Richard E. Petershack, Chairman  
Governor's Small Business Regulatory Review Board

Cc: Rea Holmes, DHS Executive Assistant  
Thomas Sieger, Deputy Administrator, Division of Public Health  
Pat Cooper, DHS Small Business Regulatory Review Board  
Rosie Greer, DHS Small Business Regulatory Review Coordinator  
Ron Sklansky, Joint Legislative Council